

REMARKS

To date, the Examiner has not indicated that the subject matter of the information disclosure statement (IDS) filed January 30, 2002 has been properly considered. A copy of such IDS is submitted herewith. If the Examiner requires additional copies of any reference(s), applicant invites the Examiner to contact the undersigned. Documentation in the file wrapper of the instant application confirming the Examiner's consideration of the relevant reference(s) is respectfully requested. See MPEP 609D below:

"Applicants may wish to list U.S. patent application numbers on other than a form PTO-1449 or PTO/SB/08A and 08B format to avoid the application numbers of pending applications being published on the patent. If a citation is not printed on the patent but has been considered by the examiner in accordance with this section, the patented file will reflect that fact as noted in subsection III.C(2) above."

The Examiner has rejected Claims 1-26 under 35 U.S.C. 102(e) as being anticipated by Fletcher et al. (U.S. Patent No. 6,108,782). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Specifically, applicant has amended each of the independent claims to at least substantially include the subject matter of former dependent Claim 6.

With respect to the subject matter of former Claim 6 (now at least substantially incorporated into each of the independent claims), the Examiner has relied on the following excerpts from the above reference to make a prior art showing of applicant's claimed "receiving maps from the host controller" (see similar, but not necessarily identical language in each of the independent claims).

"The dRMON Mapper 144 performs the task of mapping between RMON MIB objects and their internal representations contained within the module labeled RMON Data Structures 146." (col. 10, lines 30-33)

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After reviewing the foregoing excerpt, it is evident that the prior art teaches the task of mapping between objects and their internal representations. Applicant, on the other hand, claims the generation of a map of a network. The act of generating a network map is clearly distinct from the act of mapping between two entities (e.g. objects and their internal representations, etc.). Thus, it is noted that Fletcher does not even suggest any sort of network map, let alone one generated based on the network traffic information, as claimed.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Fletcher reference, especially in view of the amendments made hereinabove. Nevertheless, despite such paramount differences and in the spirit of expediting the prosecution of the present application, applicant has amended each of the independent claims to further distinguish applicant's claim language from the above reference, as follows:

"wherein intrusion detection services are provided based on the network traffic information." (see this or similar, but not necessarily identical language in each of the independent claims).

A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

In addition, applicant has amended Claims 6, 14, and 22 to further distinguish applicant's claim language from the above reference, as follows:

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"receiving a plurality of the maps from the host controllers."

Here, applicant claims the receipt of maps from the host controllers, whereas the Fletcher reference teaches the act of mapping between objects and their internal representations. The act of receiving network maps is clearly distinct from the act of mapping between the aforementioned entities, and as a result applicant's claim is clearly distinct from the prior art.

Again, a notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the subject matter of new Claims 27-35 below, which are added for full consideration:

"wherein the map includes a correlation among computers of the network and the network traffic information associated therewith" (see Claim 27);

"wherein a report is generated including a plurality of objects in a tree representation" (see Claim 28);

"wherein a Simple Network Management Protocol (SNMP) trap capability is utilized" (see Claim 29);

"wherein the intrusion detection services include scanning the network traffic information and detecting intrusions in the network based on the scanned network traffic information" (see Claim 30);

"wherein the network traffic information is collected from a plurality of zone controllers coupled to the host controllers" (see Claim 31);

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“The method as recited in claim 1, wherein the intrusion detection services are performed by the host controllers and the zone controllers.” (see Claim 32);

“wherein the host controllers and the zone controllers operate based on user-configurable business rules” (see Claim 33);

“wherein a fee associated with the reporting is determined based on a number of agents, the host controllers, and zone controllers” (see Claim 34); and

“wherein the fee is reoccurring” (see Claim 35).

A notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIP062_01.304.01).

Respectfully submitted,
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